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*Attorneys for FNCB Bank, f/k/a First National
Community Bank*

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	CASE NO. 5:17-bk-04313-JJT
	:	
WILLIAM H. FITZGERALD, a/k/a	:	
WILLIAM FITZGERALD, a/k/a	:	
WILLIAM HART FITZGERALD	:	CHAPTER 13 BANKRUPTCY
	:	
Debtor	:	
	:	
FNCB BANK, f/k/a FISRT NATIONAL	:	
COMMUNITY BANK,	:	
	:	
Movant,	:	
	:	
vs.	:	
	:	
WILLIAM H. FITZGERALD, a/k/a	:	
WILLIAM FITZGERALD, a/k/a	:	
WILLIAM HART FITZGERALD, and	:	
CHARLES J. DEHART, III, the Chapter	:	
13 Trustee, as his interest may appear,	:	
	:	
Respondents,	:	

**OBJECTION OF FNCB BANK, f/k/a FIRST NATIONAL COMMUNITY BANK, TO
CONFIRMATION OF THE DEBTOR'S CHAPTER 13 PLAN**

The secured creditor, FNCB BANK, f/k/a FIRST NATIONAL COMMUNITY BANK, (hereinafter referred to as the "MOVANT") by and through its undersigned counsel, Gregory & Associates, PC, hereby files this Objection to the Confirmation of the Chapter 13 Plan filed by WILLIAM H. FITZGERALD, a/k/a WILLIAM FITZGERALD, a/k/a WILLIAM HART FITZGERALD (hereinafter referred to as "DEBTOR") in accordance with the provisions of 11 U.S.C. Section 325. In support of this Objection to Confirmation, the MOVANT affirmatively states:

1. The MOVANT is a secured creditor of the DEBTOR in relation to real property located in the County of Lackawanna, Commonwealth of Pennsylvania located at 1702 Linden Street and 248 Wheeler Avenue, Scranton, Pennsylvania 18505; 315-317 Wheeler Avenue, Scranton, Pennsylvania 18505; and 337-339 Wheeler Avenue, Scranton, Pennsylvania 18505 (hereinafter referred to collectively as the "PROPERTIES").

2. The DEBTOR filed a Voluntary Petition for Relief under Chapter 13 of the United States Bankruptcy Code on or about October 16, 2017.

3. The MOVANT has filed Proofs of Claim for the total amount of indebtedness due to the MOVANT within the permissible time-frame.

4. The DEBTOR'S Chapter 13 Plan fails to identify all of the PROPERTIES which secure the loans more specifically identified in the Proofs of Claim filed by the MOVANT. As a result, the DEBTOR'S Chapter 13 Plan is underfunded.

5. The DEBTOR'S proposed treatment of the MOVANT under the Plan fails to comply with the requirements of 11 U.S.C. Section 1325, and as a result, provides a specific basis for objection by the MOVANT.

6. The MOVANT specifically objects to its proposed treatment under the terms and conditions of the proposed Plan.

WHEREFORE, the MOVANT respectfully requests this Court for the entry of an Order denying the confirmation of the MOVANT'S Chapter 13 Plan, and for the entry of an Order granting any further relief which is just and equitable and to which the MOVANT is entitled.

Respectfully submitted,

/s/ David M. Gregory
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WILLIAM FITZGERALD, a/k/a	:	
WILLIAM HART FITZGERALD, and	:	
CHARLES J. DEHART, III, the Chapter	:	
13 Trustee, as his interest may appear,	:	
	:	
Respondents,	:	

CERTIFICATE OF SERVICE

I, David M. Gregory, Esquire, hereby certify that I served a true and correct copy of the Objection of Thomas Kerr, as Executor of the Estate of Gloria Patrick, to the persons listed below on the date and in the manner indicated:

Charles J. DeHart, III, Esquire
8125 Adams Drive, Suite A

Brian E. Manning, Esquire
502 South Blakely Street
Suite B
Dunmore, PA 18512

(Via Electronic Case Management)

(Continued on following page)

William H. Fitzgerald
309 Wheeler Avenue
Scranton, PA 18510

(Via First Class Mail, Postage Prepaid)

DATE: 05/23/2018

/s/ David M. Gregory
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